

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ALBERT J. DAVIS, ID # 15022999,)	
Petitioner,)	
vs.)	No. 3:15-CV-3952-D
)	
LUPE VALDEZ, SHERIFF,)	
DALLAS COUNTY, TEXAS,)	
Respondent.)	

ORDER

After making an independent review of the pleadings, files, and records in this case, the January 4, 2016 and January 14, 2016 findings, conclusions, and recommendation of the magistrate judge, and petitioner's January 12, 2016 and January 26, 2016 objections, the court concludes that the findings and conclusions are correct. It is therefore ordered that the findings, conclusions, and recommendation of the magistrate judge are adopted.

Accordingly petitioner's habeas corpus petition under 28 U.S.C. § 2254 is dismissed without prejudice for failure to exhaust state court remedies, and all claims seeking relief regarding petitioner's conditions of his confinement are dismissed without prejudice to his filing a separate civil rights lawsuit. Additionally, the following motions are denied: petitioner's December 11, 2015 emergency motion for injunction, December 28, 2015 motion for emergency injunction, and January 12, 2016 motion for emergency injunction.

Considering the record in this case and pursuant to Fed. R. App. P. 22(b), Rule 11(a) of the Rules Governing §§ 2254 and 2255 proceedings, and 28 U.S.C. § 2253(c), the court denies a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions, and recommendation filed in this case in support of its finding that the petitioner has failed to show (1) that reasonable jurists would find this court's "assessment of the

constitutional claims debatable or wrong,” or (2) that reasonable jurists would find “it debatable whether the petition states a valid claim of the denial of a constitutional right” and “debatable whether [this court] was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S.473, 484 (2000).

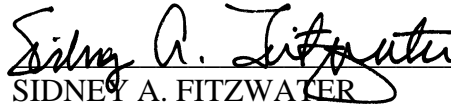
If petitioner files a notice of appeal,

() petitioner may proceed *in forma pauperis* on appeal.

(X) petitioner must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis*.

SO ORDERED.

February 24, 2016.


SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE